THE HONOURABLE SRI JUSTICE ELIPE DHARMA RAO

W.P. No. 18187 of 2005

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Dated: 17.08.2005

Between:-

Seelam Satyanarayana s/o Dasara Dharmaiah, occ: Agriculture,

Aged about 35 years, dR/o Alluru, Mudinepally mandal,

Krishna District.

..PETITIONER

And

The District Collector, Machilipatnam, Krishna District

and 2 others.

..RESPONDENTS.

O R D E R

The petitioner seeks a Mandamus to suspend the impugned proceedings Rc. B/246/05, dated 29.06.2005 issued by the 2nd respondent pending final disposal of the main appeal dated July 2005 before 3rd respondent.

The case of the petitioner is that his father Dasara Dharmaiah has purchased Ac.1.43 cents in R.S. No.147/1 in Bominampadu village under a registered sale deed dated 1.1.1986 from one Hyder Saheb and since then his father and after his demise he is in continuous

possession of the same. While so, the 2nd respondent issued impugned order vide proceedings No. RC/B/246/05, dated 29.06.2005 evicting the petitioner from the schedule land under the provisions of A.P. Assigned Lands (Prohibition of Transfers) Act, 1977. The petitioner asserts that without giving an opportunity to him to submit his grievance, the final orders were passed and that he is in possession of the schedule property since 1986 and pattadar pass book was also issued in his favour. Against the order passed by the M.R.O. of Mudinepally, he preferred appeal before the 3rd respondent and while the appeal is pending he also filed another application for stay of proceedings of 2nd respondent dt. 29.6.2005 but no orders are passed by 3rd respondent and in the meanwhile, the respondents are trying to dispossess him from the schedule lands. Hence, the petitioner came up with the present writ petition.

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue.

This writ petition is filed pending consideration of appeal before the 3rd respondent-R.D.O. against the order of 2nd respondent-M.R.O. dated 29.06.2005 wherein the orders are passed for eviction of the petitioner from the schedule land Ac. 1.43 cents in R.S.No. 427/1, situated at Bomminampadu village, as the schedule land was sold to the petitioner in contravention to the terms and conditions of the Assignment Order. The contention of the petitioner that the respondents are trying to dispossess him from the petition schedule lands pending consideration of the appeal before the 3rd respondent.

Considering the facts and circumstances of the case, I deem it appropriate to dispose of this writ petition, at the admission stage, directing the 3rd respondent-Revenue Divisional Officer, Gudiwada, Krishna District, to dispose of the appeal filed by the petitioner herein within a period of twelve weeks from the date of receipt of a copy of this order. Till such time, the respondents are directed not to

dispossess/interfere with the possession of the petitioner from the schedule lands an extent of Ac. 1.43 cents in R.S. No. 427/1, situated at Bominampadu village, Mudinepalli mandal, Krishna District.

The writ petition is, accordingly, disposed of. No order as to costs.

E. DHARMA RAO, J

17th August, 2005

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